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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/181,402 10/28/98 BEACH

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EXAMINER

023123
SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA AZ 85201

WM02/0328

CHUNG, T.

ART UNIT

PAPER NUMBER

2672

DATE MAILED:

03/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/181,402

Applicant(s)

BEACH, MARK J.

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claims 1-40 are presented for examination. This office action is in response to the amendment filed on 12-29-2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (5,826,031).

Regarding claim 1, Nielsen discloses that the claimed feature of an apparatus (See Abstract, Fig 1) comprising

- a) at least one processor (See Fig 1)
- b) a memory coupled to the at least one processor (See Fig 1)
- c) an image file residing in the memory, the image file defining higher priority portions and lower priority portions such that when the image file is transferred, the higher priority portions of the image file are transmitted before the lower priority portions of the image file. (See Fig 1, Abstract, col 1 line 51-57)

Nielsen does not specifically disclose that "image file". However, Nielsen discloses "a web page", which includes a web objects (e.g. image file) and a web file. (See col 1 line 20-23, col 1 line 39-col 2 line 23) The motivation would have been to retrieve more important objects faster than less important objects, as disclosed in Nielsen. (See col 1 line 58-63) According to the on-line computer dictionary, web page is defined as "a web page consists of an HTML file, with associated files for graphics and scripts, in a particular directory on a particular machine". From this definition of web page, it is reasonable to interpret "web page" as "an image file", as claimed by Applicant's invention. Also, the high ranked web object (e.g. image file) can be considered as higher priority portions of single file of web page, and the low ranked web objects can be considered as lower priority portions of web page. Therefore, it would have been obvious to one skilled in the art to have "image file" in the teaching of Nielsen.

Regarding claim 2, Nielsen discloses that a receiving computer receiving portions of the image file, the receiving computer comprising [an image interpreter] and an image viewer residing on the receiving computer, the image interpreter translating the received portions of the image file into image data, such that the image viewer can display the higher priority portions of the image file before displaying the lower priority portions of the image file. (See Abstract, Fig 1, col 1 line 51-57)

Nielsen does not explicitly disclose that "an image interpreter". However, the image interpreter is inherent by the web browser in order to display the received image file on the display device. Therefore, it would have been obvious to one skilled in the art to have "image interpreter" in the teaching of Nielsen.

Regarding claim 3, Nielsen discloses that an image prioritization editor residing in the memory, the image prioritization editor allowing at least one portion of an image to be selected and assigned at least one priority. (See Abstract, Fig 1, col 1 line 51-57, col 6 line 13-23)

Regarding claim 4, Nielsen discloses that the [image interpreter] saving the image in a graphics file format. (See Abstract, Fig 1, col 1 line 51-57)

Nielsen does not explicitly disclose that "image interpreter". However, the image interpreter is inherent by the web browser in order for the server computer to store the image files in the proper format. Therefore, it would have been obvious to one skilled in the art to have "image interpreter" in the teaching of Nielsen.

Regarding claim 5, refer to the discussion for the claim 4, Nielsen discloses that the graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format. (See Abstract, Fig 1)

Regarding claim 6, Nielsen discloses that the graphics file format comprises a plurality of portions of the image, each portion corresponding to the at least one priority. (See Abstract, Fig 1, col 6 line 13-23)

Regarding claim 7, Nielsen discloses that a simulation browser residing in the memory, the simulation browser simulating transmission and reception of the image file, the simulation browser adding a delay between portions of the image file. (See Abstract, Fig 1, col 1 line 39-col 2 line 24)

Regarding claim 8, claim 8 is similar in scope to the combination of claims 1 and 2, and thus the rejections to claims 1 and 2 hereinabove are also applicable to claim 8.

Regarding claims 9-13, claims 9-13 are respectively equivalent to claims 3-7, and thus the rejections to claims 3-7 hereinabove are also respectively applicable to claims 9-13, but applied in view of the rejections to base claim 8.

Regarding claims 14-16, claims 14-16 are similar in scope to claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claims 14-16.

In addition, Nielsen discloses that signal bearing media bearing the image interpreter wherein the signal bearing media comprises transmission media or recordable media. (See Abstract, Fig 1)

Nielsen does not specifically disclose that "transmission media" and "recordable media". However, those are inherent in order for the server computer to store or transmit the image files. Therefore, it would have been obvious to one skilled in the art to have "transmission media" or "recordable media" into the teaching of Nielsen.

Regarding claims 17-22, claims 17-22 are respectively equivalent to claims 2-7, and thus the rejections to claims 2-7 hereinabove are also respectively applicable to claims 17-22, but applied in view of the rejections to base claim 14.

Regarding claim 23, claim 23 is the corresponding program product of claims 14 and 17. Thus, the rejections to claims 14 and 17 hereinabove are also applicable to claim 23.

Regarding claims 24-30, claims 24-30 are respectively equivalent to claims 15-22, and thus the rejections to claims 15-22 hereinabove are also respectively applicable to claims 24-30, but applied in view of the rejections to base claim 23.

Regarding claim 31, claim 31 is the corresponding method of claim 1. Thus, the rejection to claim 1 hereinabove is also applicable to claim 31.

Regarding claims 32-34, claims 32-34 are respectively equivalent to claims 4-6, and thus the rejections to claims 4-6 hereinabove are also respectively applicable to claims 32-34, but applied in view of the rejections to base claim 31.

Regarding claim 35-36 and 38-40, claim 35-36 and 38-40 are similar in scope to claims 8, 13 and 10-12. Thus, the rejections to claims 8,13 and 10-12 hereinabove are also applicable to claim 35-36 and 38-40.

Regarding claim 37, Nielsen discloses that the step of translating the portion of the image file into image data further comprises that step of decompressing the portion of the image file. (See Abstract, Fig 1)

Nielsen does not explicitly disclose that "decompressing". However, decompressing is inherent in order to decompress the compressed image data for displaying. Therefore, it would have been obvious to one skilled in the art to have "decompressing" into the teaching of Nielsen.

Response to Arguments/Amendment

Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am - 5:00pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Michael, Razavi can be reached on (703) 305-4713. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Application/Control Number: 09/181,402
Art Unit: 2672

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djc
March 14, 2001

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

MATTHEW LUU
PRIMARY EXAMINER